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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/628,703 | 07/28/2003 | Stefan Graf | 71079 | 4060 |

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EXAMINER

MARC, MCDIEUNEL

ART UNIT PAPER NUMBER

3661

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/628,703 | Applicant(s) GRAF ET AL. | |
| | Examiner McDieunel Marc | Art Unit 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☒ Claim(s) 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 are presented for examination.

Specification

2. The abstract of the disclosure is objected to because of the word "invention".

Correction is required. See MPEP § 608.01(b).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by **wang et al.** (US PG. Pub. 20030135203A1).

As per claim 1, Wang et al., teaches a method for the exchange of data between controls of machines, particularly robots (see fig. 7 and section [0057]), wherein a first control produces an instruction to be transmitted with data to be sent to a second control and with an identification representing said second control (see fig. 7, 10 and abstract, wherein source ID being considered as identification), wherein the instruction to be transmitted is provided with an identification of the first control, wherein the first

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control sends the instruction to be transmitted to the second control (see fig. 7, 10 and abstract as described above), wherein the second control evaluates the data of the instruction and wherein the second control provides the first control with an acknowledgement (see fig. 7, 10, 11 and abstract, wherein priority being considered as acknowledgement).

As per claims 4, 5 and 7, Wang *et al.* teaches a method, wherein the second control compiles the data received to an internal code (see fig. 10, particularly *OPCODE*); if the data to be transmitted contain a control command, the second control executes the same (see abstract), note that the pupil and the mentor execute the same movements; wherein the instruction to be transmitted can contain both the identification of the control in question and also the data to be transmitted as a constant or variable (see fig. 10 and section [0033]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang *et al.* in view of Oran *et al.* (U.S. Pat. No. 6,665,611).

As per claims 2 and 3, Wang *et al.* teaches substantially essential feature of the claimed invention with the exception of limitations below.

However, Oran *et al.* teaches a UDP message; wherein the acknowledgement of the second control is formatted as a UDP message (col. 6, lines 35-50).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the robot type of Wang *et al.* with the network type of Oran *et al.*, because this modification would have enhanced Wang's *et al.* teaching so that the message is passed by a frame transmission/reception objects, thereby improving the efficiency and the reliability of the exchange of data between controls.

Allowable Subject Matter

8. Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to teach or fairly suggest with respect to claims 6 a method, wherein the first control only transmits an instruction to be transmitted to a further control if it has received from the latter an acknowledgement to the effect that the second control is ready to perform an instruction. With respect to claim 8, a method, wherein there are commands for the selection of a program on the second control (RUNProgName ()), resetting a program of the second control (RESET), cancellation of a program of the second control (CANCEL), value allocations and/or commands for waiting on Boolean values.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (703) 305-4478. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

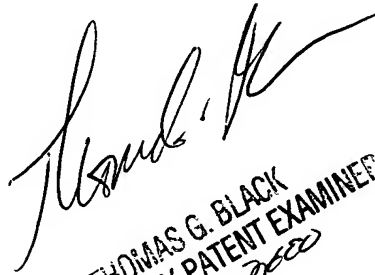
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


McDienel Marc

Monday, March 28, 2005
MM/


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2000